

10 CHANGE OF PLEA AS TO COUNT 1 OF THE INDICTMENT  
11 BEFORE CHIEF DISTRICT JUDGE SHARION AYCOCK  
FRIDAY, MARCH 11, 2016; 11:30 A.M.  
ABERDEEN, MISSISSIPPI

12

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1                   (CALL TO ORDER OF THE COURT)

2                   THE COURT: Good morning, everyone. Okay.

3 Counselors, if you'll come forward, please.

4                   (Parties complying).

5                   THE COURT: You may call the case.

6                   THE COURTROOM DEPUTY: Court calls case No. 1:15CR98,

7 United States of America v. Muhammad Oda Dakhlalla for change  
8 of plea hearing.

9                   THE COURT: Thank you.

10                  Representing the Government this morning is Clay Joyner,  
11 Assistant United States Attorney. I also note that Mr. Bob  
12 Norman is in the courtroom with the Government. Greg Park  
13 represents the defendant, with George Lucas seated at counsel  
14 table.

15                  There are some FBI agents in the courtroom, Steve  
16 Thomason, Todd Bobee and Gilbert Surle. So those agents are  
17 here with us today too. Kimberlee Hatter is our probation  
18 officer, and she is in the courtroom.

19                  Now, Mr. Dakhlalla, I am told that you are here to enter a  
20 plea to Count 1, which is that you did knowingly combine,  
21 conspire, confederate, agree together with each other to  
22 provide material support or resources, as that term is defined  
23 in Title 18, United States Code, Section 2339(a)(B), including  
24 personnel, to a Foreign Terrorist Organization, namely, the  
25 Islamic State of Iraq. Do you intend to enter a plea this

1 morning to that charge?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Would you raise your right hand to be  
4 sworn, please.

5 (OATH ADMINISTERED BY THE COURTROOM DEPUTY).

6 THE COURT: Thank you. Now, do you understand, sir,  
7 that you have been sworn; you're under oath; so any answers  
8 that you give to the Court that are not true can later be used  
9 against you in a charge for perjury?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And do you understand that you have the  
12 right to remain silent and not answer any questions in this  
13 proceeding?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Now, I have just asked you about your  
16 intent to enter a plea. You've indicated to me your intent to  
17 enter a plea this morning to Count 1. You've also evidenced  
18 that by signing a plea agreement and a plea supplement.

19 Later in the proceeding, I will ask you some questions

20 about your understanding of the content of those agreements.

21 But, first, I want to make sure that you understand some  
22 general questions and have some general understanding of what  
23 we're doing.

24 So I'm going to ask you some questions; and, if I ask you  
25 a question that you don't understand, please don't answer it;

1 ask Mr. Park to explain it to you, or ask the Court to explain  
2 it before you answer. Okay?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Let's start by asking you, if you would,  
5 please, sir, state your name and your age.

6 THE DEFENDANT: My name is Muhammad Oda Dakhalla,  
7 and I'm 23 years old.

8 THE COURT: And, for the Court's understanding, how  
9 long have you been in custody?

10 THE DEFENDANT: Seven months.

11 THE COURT: Okay. Are you presently under the  
12 influence of any drugs, alcohol, or anything that would impair  
13 your understanding of this event?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: And tell me -- what is the level of your  
16 education?

17 THE DEFENDANT: A bachelor's degree, Your Honor.

18 THE COURT: Okay. Do you suffer from any mental  
19 illnesses or psychiatric illnesses?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Have you ever been treated for any drug  
22 addiction?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: Have you ever been treated for any mental  
25 illnesses?

1                   THE DEFENDANT: No, Your Honor.

2                   THE COURT: Mr. Park, do you have any reason to  
3 question the competency of your client for purposes of entering  
4 the plea?

5                   MR. PARK: I do not, Your Honor.

6                   THE COURT: Thank you.

7                   Now, Mr. Dakhlalla, I want to ask you some questions. Do  
8 you understand that you have the right to continue to maintain  
9 your innocence and to go to trial on this case? In other  
10 words, you're not required to enter a plea today. Do you  
11 understand?

12                  THE DEFENDANT: Yes, Your Honor.

13                  THE COURT: And you have -- have you had ample  
14 opportunity to discuss, with Mr. Park, your decision to enter  
15 this plea today?

16                  THE DEFENDANT: Yes, Your Honor.

17                  THE COURT: Are you satisfied with the legal counsel  
18 that Mr. Park has given you in this case?

19                  THE DEFENDANT: Yes, Your Honor.

20                  THE COURT: And do you believe that he has  
21 represented your best interests in representing you in this  
22 matter?

23                  THE DEFENDANT: Yes, Your Honor.

24                  THE COURT: Do you understand that, under the  
25 Constitution and the laws of the United States, that you are

1 entitled to a speedy and public trial of this charge?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that if you could not  
4 afford to hire an attorney that one would be appointed to  
5 represent you at every critical stage of the proceedings?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And do you also understand that if you  
8 elected to go to trial that you would be presumed innocent; it  
9 would be the Government's burden to prove you guilty beyond a  
10 reasonable doubt; it would not be your burden to prove your  
11 innocence? Do you understand?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And do you understand further that, in  
14 the course of that trial, the Government, likely, in a trial,  
15 would produce documents, as well as witnesses, in proof against  
16 you in -- this proof of this charge. Your attorney would have  
17 the right to cross-examine the state's witnesses.

18 Further, you would have the right to present a defense;  
19 your attorney would have the right to call witnesses if they  
20 desire to do so, subject to cross-examination by the  
21 Government.

22 So it's in this way that a jury would hear the admissible  
23 proof in the trial and make a decision about your guilt or your  
24 innocence. Do you understand that process?

25 THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: And, understanding it, do you understand  
2 that, if you had a trial, that you would have the right to take  
3 the stand and testify in your own defense?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: And do you understand that if you elected  
6 not to testify that the Court would advise the jury that you  
7 have the constitutional right to remain silent and not testify?

8                   THE DEFENDANT: Yes, Your Honor.

9                   THE COURT: Do you understand that if you went to  
10 trial that you would have the right to compel, or have your  
11 lawyer subpoena, witnesses to testify in your behalf?

12                  THE DEFENDANT: Yes, Your Honor.

13                  THE COURT: Now, if you went to trial and you were  
14 convicted, do you understand that I would sentence you based  
15 upon the conviction?

16                  THE DEFENDANT: Yes, Your Honor.

17                  THE COURT: And do you understand that if you went to  
18 trial and you were convicted and I sentenced you, that you  
19 would have the right to appeal both the conviction and the  
20 sentence to an appellate court?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: Now, if you offer your plea here today  
23 and I accept it today, do you understand that today I will  
24 adjudicate you guilty of this charge?

25                  THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: You will be sentenced at a later date,  
2 but I will accept your plea and adjudicate you guilty today.

3                   THE DEFENDANT: Uh-huh.

4                   THE COURT: Sir, do you understand that, in doing so,  
5 you will have waived your right to a jury trial?

6                   THE DEFENDANT: Yes, Your Honor.

7                   THE COURT: Now, I've talked to you about several  
8 matters. Have you understood my questions?

9                   THE DEFENDANT: Uh-huh, yes, Your Honor.

10                  THE COURT: And did Mr. Park speak with you about  
11 these constitutional rights that you would be waiving by  
12 entering this plea? Did he talk to you prior to today?

13                  THE DEFENDANT: Yes, Your Honor.

14                  THE COURT: Do you understand?

15                  THE DEFENDANT: Yes.

16                  THE COURT: And understanding, do you still wish to  
17 go forward and enter your plea to Count 1 of the indictment?

18                  THE DEFENDANT: Yes, Your Honor.

19                  THE COURT: Now, I've indicated to you that this  
20 charge is one that you did combine, conspire, confederate, and  
21 agree together and with each other to provide material support  
22 or resources, as that term is defined by the United States  
23 Code, including personnel, to a Foreign Terrorist Organization,  
24 namely Islamic State of Iraq and ISIL. Do you understand that  
25 charge?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: Mr. Park, do you waive the formal reading  
3 of the indictment?

4                   MR. PARK: We do, Your Honor.

5                   THE COURT: In order for the Government to convict  
6 you of this charge, the Government would have to prove certain  
7 elements of the offense. And I'm going to ask Mr. Joyner to  
8 advise you of those elements at this time.

9                   MR. JOYNER: Certainly, Your Honor. First, beginning  
10 on or about May 1st, 2015, and continuing up to and including  
11 on or about August 8th, 2015, there was an agreement between  
12 two or more persons to provide material support or resources to  
13 a designated Foreign Terrorist Organization.

14                  Second, that the defendant became a member of the  
15 conspiracy knowing of its object and intending to help  
16 accomplish it.

17                  Third, the defendant knew that -- and the term *ISIL* is  
18 what's used in the elements, Your Honor -- the Islamic State of  
19 Iraq and the Levant was a designated Foreign Terrorist  
20 Organization or had engaged, or was engaging in, terrorist  
21 activity or terrorism.

22                  And, fourth, the defendant was a national or lawfully  
23 admitted permanent residence of the United States or the  
24 offense occurred in whole, or in part, in the United States.

25                  And, here, the Government has alleged that the material

1 support or resources included personnel including the defendant  
2 himself. The term personnel means one or more persons, which  
3 can include the defendant's own person.

4 However, no person can be convicted for a violation of  
5 this statute in connection with providing personnel unless that  
6 person has knowingly conspired to provide a Foreign Terrorist  
7 Organization with one or more individuals, who may include the  
8 defendant, to work under that terrorist organization's  
9 direction or control.

10 THE COURT: Did you understand everything that he  
11 read?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you represent to the Court that you  
14 understand those four elements?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: At this time, I'm going to advise you of  
17 the penalties that apply to this count; and it is a term of  
18 imprisonment of not more than 20 years, up to lifetime on  
19 supervised release, not more than a \$250,000 fine; and carries  
20 with it a \$100 special assessment. Do you understand the  
21 penalties?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And do you understand that you can be  
24 ordered to pay restitution at sentencing? At the present time,  
25 I know of no reason to think that you would be obligated to pay

1 restitution; but, if it is determined that restitution is owed,  
2 do you understand that it can be ordered?

3 THE DEFENDANT: Restitution?

4 (Off-the-record discussion).

5 THE DEFENDANT: Oh, yes, Your Honor.

6 THE COURT: And, if you're ordered to serve a term in  
7 prison, do you understand that it will be followed by a term of  
8 supervised release?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And, if you're on supervised release and  
11 you violate a term or a condition of your supervised release,  
12 do you understand that you can be revoked and sent back to  
13 prison?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: So, Mr. Dakhlalla, do you understand all  
16 the penalties that I've just described to you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Thank you. I'd like for you to turn to  
19 the plea agreement that you have signed and ask you, first, to  
20 look at the last page. Would you please, sir, affirm for the  
21 record that that's your signature?

22 THE DEFENDANT: It is, Your Honor.

23 THE COURT: This document is dated March 9th, 2016;  
24 has been signed by you and your attorney and representative --  
25 excuse me -- the United States Attorney. It's very important

1 that you understand that this is essentially your contract with  
2 the Government, so I'm going to ask Mr. Joyner to read this  
3 into the record. Let me ask you this, sir; prior to signing,  
4 did you read the document?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And you conferred with Mr. Park about any  
7 questions that you had about the document and its contents,  
8 correct?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Thank you.

11 Mr. Joyner.

12 MR. JOYNER: Your Honor, if I may, for the record,  
13 has he confirmed his signature on the supplement as well?

14 THE COURT: No.

15 MR. PARK: He'll do that shortly.

16 MR. JOYNER: All right. So, Your Honor, that  
17 agreement is as follows: Of course, the defendant agrees to  
18 plead guilty under oath to Count 1 of the indictment as the  
19 Court has described it to him and with the appurtenant  
20 penalties to that charge.

21 Further, the United States agrees not to charge the  
22 defendant with any other offenses arising from, or relating to,  
23 the above charge and agrees to dismiss all other counts of the  
24 indictment as to this defendant upon conclusion of sentencing  
25 on Count 1.

1           Further, this agreement does not bind any prosecuting  
2 authority of any state or any other federal district; nor does  
3 it bind the Attorney General of the United States with regard  
4 to any matter, criminal or civil, involving federal tax laws;  
5 nor does this agreement bind the United States, or any of its  
6 departments or agencies, with regard to any civil or  
7 administrative actions or remedies.

8           Further, the defendant agrees with the application of the  
9 United States Sentencing Guideline Section 3A1.4(a), the  
10 terrorism adjustment, which increases his offense level by 12  
11 levels and his criminal history category to VI. The Government  
12 concurs that the terrorism adjustment should apply to this  
13 defendant's case.

14           If the defendant violates this agreement, all statements  
15 made pursuant to it would be admissible against him; and he  
16 hereby waives the provisions of Rule 11(f) of the Federal Rules  
17 of Criminal Procedure and Rule 410 of the Federal Rules of  
18 Evidence. The defendant may also, in that event, be prosecuted  
19 for all federal offenses, including perjury and false  
20 statements relating to this plea agreement.

21           And, apart from being advised of the applicability of the  
22 United States Sentencing Guidelines, and other than as set  
23 forth elsewhere in the plea documents, no promise or  
24 representation whatsoever has been made to the defendant as to  
25 what punishment the Court might impose if the Court accepts the

1 plea of guilty.

2 This agreement fully reflects all promises, agreements,  
3 and understandings between the defendant and the United States  
4 Attorney. The defendant's agreement is knowing, free, and  
5 voluntary and not the product of force, threat, or coercion.  
6 The defendant is pleading guilty because the defendant is in  
7 fact guilty, Your Honor.

8 THE COURT: Okay.

9 Mr. Dakhalla, did you understand everything that Mr.  
10 Joyner read?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Now, I want you to turn your attention to  
13 the plea supplement. And if you would, look at the last page  
14 for me. Is that your signature?

15 THE DEFENDANT: It is, Your Honor.

16 THE COURT: Same date with the same parties signing.  
17 Sir, this document is filed under seal; so I'm not going to ask  
18 it to be read aloud as I did the plea agreement. There's a  
19 couple of provisions that I want to bring to your attention and  
20 ask Mr. Park to point out to you again in this proceeding and  
21 make sure that you represent to me that you understand them and  
22 you're agreeing to them. Okay?

23 THE DEFENDANT: Uh-huh.

24 THE COURT: Mr. Park, would you show him, on page  
25 4 -- excuse me -- 5, the waive provisions.

1                   MR. PARK: Your Honor, I have reviewed those relevant  
2 paragraphs with Mr. Dakhllalla; and he has confirmed to me that  
3 he understands the terms of the plea supplement in regard to  
4 the waivers.

5                   THE COURT: Thank you.

6                   And you do, sir?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: Now, Mr. Park, would you point out to him  
9 on page 5, Paragraph 5, which deals with a recommendation  
10 regarding a sentence?

11                  MR. PARK: Your Honor, Mr. Dakhllalla represents to me  
12 that he does understand the provisions of Paragraph 5 on page  
13 5.

14                  THE COURT: So, sir, do you have any questions about  
15 the plea supplement?

16                  THE DEFENDANT: No, Your Honor.

17                  THE COURT: And, likewise, as you did with the plea  
18 agreement, did you read the content of the plea supplement and  
19 speak with Mr. Park about any questions that you had regarding  
20 the supplement before signing?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: So, Mr. Park, did you have a conversation  
23 with your client regarding the content and the agreements of  
24 the plea agreement, as well as the plea supplement?

25                  MR. PARK: Your Honor, Mr. Dakhllalla and I have

1 discussed both documents. I would note, just in terms of  
2 directly answering your question, that Mr. Lucas in our office  
3 actually met with Mr. Dakhlalla immediately prior to signing  
4 it; and I would have confirmed with Mr. Lucas and Mr. Dakhlalla  
5 that they both have reviewed the document.

6 I've also spoken with Mr. Dakhlalla since then, and I have  
7 no reservations about his understanding of the plea agreement  
8 and plea supplement.

9 THE COURT: You agree with everything that Mr. Park  
10 has just stated relative to your conversations with Mr. Lucas  
11 and signing and having that explained to you by Mr. Lucas, as  
12 well as Mr. Park?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Thank you.

15 Now, did you, Mr. Park, or Mr. Lucas, review the discovery  
16 and any facts of the case that you had with your client?

17 MR. PARK: Your Honor, I have reviewed all discovery  
18 with Mr. Dakhlalla and discussed the sentencing guidelines and  
19 the case in general.

20 THE COURT: And do you agree that your client is  
21 entering a plea freely, knowingly, and voluntarily?

22 MR. PARK: I do, Your Honor.

23 THE COURT: And do you believe that he understands  
24 the charge and the consequences of entering this plea?

25 MR. PARK: I do, Your Honor.

1                   THE COURT: Have any -- Mr. Dakhllalla, have any  
2 promises been made to you about what your sentence will be in  
3 this case, other than what is represented in the plea  
4 supplement?

5                   MR. PARK: Has anybody promised you what your  
6 sentence will be?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: Okay.

9                   MR. PARK: In -- in terms of that -- and listen to  
10 Her Honor's question again. She mentioned the plea supplement.  
11 Other than what's in that plea supplement, has anybody told you  
12 what your sentence is going to be?

13                  THE DEFENDANT: Oh, no, Your Honor.

14                  THE COURT: Thank you. And you understand we're  
15 talking about what is in the plea supplement that Mr. Park  
16 showed you. I just want to make sure that you have no other  
17 promises other than what's in the plea supplement.

18                  THE DEFENDANT: Oh, okay.

19                  THE COURT: Is that a fair statement?

20                  THE DEFENDANT: Understood, Your Honor.

21                  THE COURT: Thank you. And do you understand that by  
22 entering this plea of guilty that you will also be waiving  
23 certain valuable civil rights, including your right to serve on  
24 a jury, your right to hold public office, your right to carry a  
25 firearm or own a firearm, and your right to vote?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: Thank you. Now, I want to talk to you a  
3 minute about sentencing and the guidelines, the sentencing  
4 guidelines. Has Mr. Park had a conversation with you, perhaps  
5 even Mr. Lucas had a conversation with you, about the  
6 sentencing guidelines?

7                   THE DEFENDANT: Yes, he has, Your Honor.

8                   THE COURT: And we know that there is a  
9 representation in Paragraph 5, page 5 of the plea supplement.  
10 But should the Court not accept that plea recommendation, then,  
11 obviously, the Court would look to sentencing guidelines for  
12 guidance. Do you understand?

13                  THE DEFENDANT: Yes, Your Honor.

14                  THE COURT: So, if that were the case, do you  
15 understand that those guidelines are advisory only; they're not  
16 mandatory on the Court?

17                  THE DEFENDANT: Yes, Your Honor.

18                  THE COURT: And do you understand that this Court  
19 could impose a sentence that is more severe or less severe than  
20 called for by the guidelines?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: There are certain waiver provisions in  
23 your plea supplement; but do you understand, sir, that, in  
24 limited circumstances, you may have the right to appeal this  
25 case?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: And do you understand that the Government  
3 preserves its right to appeal the case?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: Or to appeal the sentencing in the case.

6 And I should make that very clear, to appeal the sentencing in  
7 the case.

8                   THE DEFENDANT: Yes, Your Honor.

9                   THE COURT: Okay. Now, there's a factual basis.

10 It's before you. Mr. Park has a copy. And this is very  
11 important. These are the facts that the Government contends  
12 that had this case gone to trial the Government would have been  
13 prepared to prove against you beyond a reasonable doubt.  
14 Obviously, your case is not going to trial because you're  
15 entering a plea here today.

16                   THE DEFENDANT: Uh-huh. \*

17                   THE COURT: But these facts could impact your  
18 sentencing. So I want to make sure that they're true and  
19 accurate. So Mr. Joyner is going to read them aloud; and, if  
20 there's anything that we need to correct for the record, I'd  
21 like for it to be brought to my attention. Okay?

22                   THE DEFENDANT: Uh-huh.

23                   THE COURT: Mr. Joyner.

24                   MR. JOYNER: Thank you, Your Honor. Were this case  
25 to proceed to trial, the Government would prove, via expert and

1 lay witness testimony, as well as documentary, electronic, and  
2 physical evidence, the following: On October 15th, 2004, the  
3 United States Secretary of State designated Al-Qa'ida in Iraq,  
4 AQI, then known as Jam' at al Tawhid wa'al-Jihad as a Foreign  
5 Terrorist Organization, that is, FTO, under Section 219 of the  
6 Immigration and Nationality Act and as a Specially Designated  
7 Global Terrorist entity under Section 1(b) of Executive Order  
8 13224.

9 On May 15, 2014, the Secretary of State amended that  
10 designation of Al-Qa'ida in Iraq as a Foreign Terrorist  
11 Organization under Section 219 of the Immigration and  
12 Nationality Act and as a Specially Designated Global Terrorist  
13 entity under Section 1(b) of Executive Order 13224 to add the  
14 alias Islamic State of Iraq and the Levant, or ISIL, as its  
15 primary name.

16 The Secretary also added the following aliases to the  
17 designation: "The Islamic State of Iraq and al-Sham," "the  
18 Islamic State of Iraq and Syria," "ad-Dawla al-Islamiyya fi  
19 al-'Iraq wash-Sham," or "Dawlah"; "Daesh"; "Dawla al Islamiya";  
20 and "Al-Furqan Establishment for Media Production."

21 Although the group has never called itself Al-Qaeda in  
22 Iraq, this names has frequently been used to describe it during  
23 its history. I will use ISIL for the sake of simplicity in  
24 this factual basis.

25 The Government would prove that Muhammad Oda Dakhllalla

1 conspired with Jaelyn Delshaun Young to join ISIL and provide  
2 material support to it in the form of personnel while knowing  
3 it was a Foreign Terrorist Organization that had engaged in  
4 terrorist acts.

5 Mr. Dakhalla, a United States citizen, first met Jaelyn  
6 Young in the spring of 2014 in Starkville, Mississippi, where  
7 they resided, and began dating her in November of 2014.

8 Ms. Young had expressed an interest in converting to Islam  
9 before she started dating Mr. Dakhalla; and she announced, in  
10 March 2015, that she had converted to Islam.

11 Soon thereafter, Ms. Young explained to Dakhalla that she  
12 wanted to start covering her face; and, by the summer, she  
13 began wearing a burkha at times. After her conversion, Ms.  
14 Young distanced herself from family and friends and felt  
15 spending time with non-Muslims would be a bad influence.

16 Mr. Dakhalla taught Ms. Young how to pray and to recite  
17 the Quran in Arabic, and Ms. Young began watching YouTube  
18 videos about Islamic law. Ms. Young began to complain to  
19 Dakhalla about the treatment of Muslims by the United States  
20 and Britain.

21 Ms. Young continued to watch pro-ISIL videos, including  
22 the radical views of Anjem Choudry, and to show these to  
23 Dakhalla, and seemed to be developing hatred for people she  
24 deemed immoral.

25 For instance, she viewed, and shared with Dakhalla, a

1 video of a man accused of being a homosexual being thrown from  
2 the roof of a building to his death below by ISIL; and she  
3 expressed support for that.

4 After watching pro-ISIL videos on a regular basis,  
5 Dakhalla and Young felt that the U.S. media was presenting a  
6 biased picture and refusing to acknowledge the good that  
7 Mr. Dakhalla and Ms. Young felt that ISIL was doing in some  
8 parts of the world.

9 Dakhalla and Young were bothered greatly by the coverage  
10 of ISIL in the Western media in light of the fact that the  
11 couple viewed ISIL as liberators of certain areas of Syria and  
12 Iraq.

13 Beginning in the early summer of 2015, Ms. Young  
14 continually asked Mr. Dakhalla when they were going to join  
15 ISIL and began to express hatred for the United States  
16 Government and to express support for the imposition of Sharia  
17 law in the United States.

18 In May 2015, the FBI identified the Twitter profile that  
19 appeared to be supportive of ISIL and expressed a desire to  
20 travel to ISIL-controlled territory. The Twitter user was  
21 identified as Ms. Young, and the FBI engaged in subsequent  
22 undercover interactions with Ms. Young on internet and social  
23 media platforms.

24 During these interactions, Ms. Young announced that she  
25 was preparing for "hijrah," which is a reference to journeying

1 to the Islamic State, and further stated "I have a 'hijjrah'  
2 partner; and we're planning to leave before August." That was  
3 a quote, I apologize. And that "We just have to be careful  
4 because the NSA is launching new investigation programs, and I  
5 don't want to be trapped here:(.)"

6 Young then added that her travel partner was a brother,  
7 and that she would have to have "nikkah" -- and that is an  
8 Islamic marriage -- with him so that they could travel together  
9 without an escort. The partner was eventually discovered to be  
10 Mr. Dakhalla.

11 In an interaction on June 1st, 2015, Ms. Young stated to  
12 the FBI undercover "I need help crossing from Turkey to Syria  
13 with my 'hijjrah' partner." Ms. Young also expressed a  
14 readiness to swear allegiance to, and join, the Islamic State,  
15 stating "Alhamdulillah -- which, essentially, means god be  
16 praised -- we know this is the true Khalifa."

17 Ms. Young then discussed what skills she and her partner  
18 possessed that would be useful and explained that they were  
19 fast learners and offered to provide medical assistance to the  
20 wounded.

21 Ms. Young also informed the FBI employee that Dakhalla  
22 would like to help with the media operation to correct the  
23 falsehoods being spread by the Western media; and that then he  
24 would become a "mujahidin," which, essentially, translates to  
25 holy warrior.

1           Mr. Dakhalla, in contacts with the FBI employee, stated,  
2 "I am good with computers, education, and media. What could I  
3 contribute to Dawlah? In sha Allah." With "in sha Allah"  
4 translating, roughly, to god is willing.

5           He went on to explain that he and Young would soon have  
6 "nikkah" -- and there was a ceremony; but, as Mr. Dakhalla  
7 acknowledges, it is not a legally recognized marriage -- and  
8 exhibited an understanding that he would be taking orders from  
9 ISIL when he arrived in their territory.

10          Mr. Dakhalla and Ms. Young maintained contact with who  
11 they thought were ISIL recruiters and continued to express  
12 concerns about being caught by United States or Turkish  
13 authorities; and explained the initial plan of traveling first  
14 to Greece, posing as honeymooners; then going to Turkey and on  
15 to Dawlah. And, if I could, Dawlah is a term that basically  
16 refers to territory controlled by the Islamic State of Iraq and  
17 the Levant.

18          Dakhalla inquired about training in Sharia law and said  
19 that, if their passports did not arrive in time, they would  
20 spend Eid -- which is a very important Muslim holiday -- with  
21 their families "since it will be our last with them."

22 Mr. Dakhalla made a payment for the purpose of expediting his  
23 and Young's passport applications and speeding their trip to  
24 join ISIL.

25          July 12th, 2015, Mr. Dakhalla told the FBI employee, "I

1 wanted to ask about the military experience there. Will I be  
2 with people that speak English as well, or do they put me with  
3 everyone at basic training? I'm excited about coming to  
4 Dawlah, but I feel I won't know what all I will be doing."

5 Dakhalla, the next day, informed the FBI employee that he  
6 wanted to become a "mujahid" and learn "what it really means to  
7 have that heart in battle." Mr. Dakhalla assumed that he  
8 would go to a military training camp when they arrived in  
9 Syria.

10 Later in July, Ms. Young posted a message praising the  
11 attack on U.S. military personnel in Chattanooga, Tennessee,  
12 while, at the same time, continuing her complaints about the  
13 passports of the couple being delayed.

14 Mr. Dakhalla and Ms. Young expressed relief when the  
15 passports arrived. They made a plan to meet their "contact" in  
16 Istanbul, Turkey, on or about August 10, 2015, and described  
17 the clothes that they would be wearing.

18 The duo bought plane tickets to Istanbul, Turkey, to meet  
19 their "contact" and then be taken to Syria. They were arrested  
20 on August the 8th, 2015, at the Golden Triangle Airport in  
21 Columbus, Mississippi, attempting to board a flight for the  
22 first leg of their journey to Turkey.

23 Mr. Dakhalla was Mirandized by FBI Special Agent Steven  
24 E. Thomason and confessed the plan to travel to Turkey in order  
25 to join ISIL. He and Ms. Young also left behind incriminating

1 farewell letters that explained that they would never be back  
2 in the United States, with Ms. Young acknowledging her role as  
3 the planner of the expedition and explaining that Mr. Dakhalla  
4 was going as her companion of his own free will.

5 And the Government would further ask, for the purposes of  
6 this hearing, Your Honor, that the Court take judicial notice  
7 that Starkville, Oktibbeha County, Mississippi, and Columbus in  
8 Lowndes County, Mississippi, are within the Northern Federal  
9 Judicial District of Mississippi.

10 THE COURT: Mr. Dakhalla, did you understand  
11 everything that the prosecutor stated?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And is everything that the prosecutor  
14 stated about you and your conduct true and correct?

15 (Off-the-record discussion).

16 MR. PARK: Your Honor, Mr. Dakhalla had a quick  
17 question; but it's something that was readily explainable.  
18 And, based on my understanding -- could I ask the Court to ask  
19 him the question again, please?

20 THE COURT: Certainly. So is everything that the  
21 prosecutor stated about you that's contained in that factual  
22 basis true and correct?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And are you voluntarily entering this  
25 plea of guilty on your own free will, admitting that you are in

1 fact guilty of the conduct described in the factual basis?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Now, I am about to ask you for your plea  
4 in this case; but, before I do so, I want to go back and ask,  
5 is there any question that I've asked you this morning that  
6 needs to be revisited before I ask you for your plea?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: Has anyone tried to coerce you, threaten  
9 you, or promise you something in exchange for this plea?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: In this cause number, Cause No. 1:15CR98,  
12 sir, do you plead guilty or not guilty to Count 1 of the  
13 indictment?

14 THE DEFENDANT: I plead guilty, Your Honor.

15 THE COURT: It is the finding of the Court in the  
16 this case that the defendant is fully competent and capable of  
17 entering an informed plea; that the defendant is aware of the  
18 nature of the charge and the consequences of the plea; and that  
19 the plea of guilty is a knowing and voluntary plea supported by  
20 an independent basis in fact containing each of the essential  
21 elements of the offense.

22 Further, the Court finds that your plea is not a result of  
23 force, threats, or promises. Therefore, the plea is accepted.  
24 I now adjudicate you guilty of Count 1 of the indictment.

25 Sir, a Presentence Report will be prepared by probation.

1 Probation will send that Presentence Report to the Government  
2 and to your attorney. Mr. Park, or Mr. Lucas, will sit down  
3 and discuss with you the content of the Presentence Report.

4 You'll reserve the right to file objections to any of the  
5 findings in the Presentence Report. And, certainly, you'll  
6 reserve the right to speak at sentencing. Do you have any  
7 questions?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Have you understood this proceeding?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Does the Government desire the filing of  
12 the plea agreement and the plea supplement?

13 MR. JOYNER: We certainly do, Your Honor.

14 THE COURT: And it shall be filed. Counselors, I'll  
15 ask Ms. Ginger to get with you and for a sentencing order to be  
16 entered after today regarding the date of sentencing.

17 I don't know the date of sentencing, sir; but that will be  
18 communicated to you by your attorney. At this time, I'm going  
19 to remand you to the custody of the United States Marshal  
20 Service.

21 Is there anything else, Mr. Park, that needs to be  
22 handled?

23 MR. PARK: No, Your Honor. Thank you.

24 THE COURT: Mr. Joyner?

25 MR. JOYNER: Nothing by the Government, Your Honor.

1 THE COURT: Thank you.

2 You may transport him.

3 MR. JOYNER: Thank you, Your Honor.

4 THE COURT: Thank you. Thank you. We'll be in  
5 recess.

(THE HEARING ENDED AT 12:06 p.m.)

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## CERTIFICATE OF OFFICIAL REPORTER

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4           I, Rita Davis Young, Federal Official Realtime  
5 Court Reporter, in and for the United States District Court for  
6 the Northern District of Mississippi, do hereby certify that  
7 pursuant to Section 753, Title 28, United States Code that the  
8 foregoing is a true and correct transcript of the  
9 stenographically reported proceedings held in the  
10 above-entitled matter; and that the transcript page format is  
11 in conformance with the regulations of the Judicial Conference  
12 of the United States.

13

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Dated this 20th day of April, 2016.

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/s/ Rita Davis Young

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RITA DAVIS YOUNG, FCRR, RPR, CSR #1626  
Federal Official Court Reporter

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